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An Interview with Chief Judge Robert M. Bell

By Judge William D. Missouri

Judge William D. Missouri retired from the Prince George's County Circuit Court on September 4, 2010, having served since 1987. He currently sits after being recalled to the bench pursuant to the Maryland Constitution. Judge Missouri is vice chair of the ABA's Judicial Division, chair of the Diversity Committee of the Judicial Division's National Conference of State Trial Judges, and actively involved with numerous other ABA committees. He can be reached at wmissouri@co.pg.md.us.

In Baltimore in 1960, 12 African-American students, mostly from Dunbar High School, entered a downtown restaurant. They were refused service and subsequently arrested and convicted for trespassing. One of the Dunbar students, Robert M. Bell, led an appeal of the verdict in a landmark civil rights case, *Bell v. Maryland*, which eventually was argued before the U.S. Supreme Court and brought an end to de facto racial segregation in Maryland.

Chief Judge Robert M. Bell was born in Rocky Mount, North Carolina, on July 6, 1943, and raised in Baltimore. After graduation from Dunbar High, he pursued his education first at Morgan State College, where he received his bachelor's degree in 1966, and then at Harvard University Law School, where he received his JD in 1969.

He soon began his historic odyssey through Maryland's legal system. He began his legal career as an attorney at the firm of Piper and Marbury. He then became a judge on the Maryland bench, which he has served for more than thirty-five years.

Judge Bell first came to the bench in 1975 as a judge of the District Court of Maryland sitting in Baltimore City. He next served as a judge of the Supreme Bench of Baltimore, later the Circuit Court for Baltimore City, from 1980 until 1984, at which point he was appointed to the Court of Special Appeals of Maryland. In 1991, Judge Bell was appointed to the Court of Appeals of Maryland, the state's highest court. With his October 23, 1996 designation, by Governor Parris Glendening, as chief judge of the Court of Appeals, Robert M. Bell became the only active judge in the state to have served at least four years on all four levels of Maryland's judiciary, and the first African-American to be named the state's chief jurist.

In that capacity, he manages over 3,000 employees and determines the Judiciary's annual budget. In addition to his many duties as chief judge, Judge Bell lectures frequently at schools and community groups. His involvement also has included service as chair of the Judicial Compensation Committee and of the Maryland Mediation and Conflict Resolution Office (MACRO), formerly the Alternative Dispute Resolution (ADR) Commission. He also chairs the Committee on Building Public Trust and Confidence in the Justice System. In addition, he is a member of the Judicial Education Committee and the State Bar Committee on Judicial Administration. Judge Bell holds memberships in the National, American, Maryland State, Baltimore City, and Monumental City Bar Associations.

Today's date is December 22, 2010, and I have the privilege of spending some time with my boss and friend, the Honorable Robert Mack Bell.

I know that you were born in Rocky Mount, North Carolina, but at what age did you travel to Baltimore, and do you know what went into the decision to move to this area? Well, my mother moved to Baltimore when I was about a year-and-a-half, along with my two brothers and me. I suspect that the decision to come was largely made as a result of the breakup of my mother and father. And, of course, it was also the time when there was migration north from the rural south. I know that my mother's brother, one of her older brothers, had settled in Baltimore and was urging her to move up, and she was attempting to better her condition since she was simply a sharecropper.

Chief, most people are not going to understand what a sharecropper is; would you be kind enough to give a brief explanation as you understand it?

As I understand it, it is where you farm land owned by a larger farmer, a white farmer. In North Carolina, in those days, he supplied all of the food and shelter, and at the end of the year when the crops came in, you settled up. Unfortunately, most of the time, when you settled up, you didn't do too well. Indeed, usually, the only one who made any money was the man who owned the land.

Thank you. That is an interesting concept. Chief, you came to Baltimore at that early age, and I know that obviously it goes without saying that you matriculated through your elementary and junior high years and ended up at one of the outstanding high schools on the east coast for African Americans at that time. How did you end up at Dunbar High School?

Well, actually I started my educational career at Dunbar, quite frankly. In the old days, Dunbar was an elementary school, and it progressed to become a high school. So there were occasions when those on the east side of Baltimore would attend elementary school at Dunbar and then attend high school at Douglass High School because Dunbar had not yet progressed to high school status. By the time I came along, Dunbar had become a high school, I guess, and the elementary school was being phased out. So, when I started kindergarten, I started at Dunbar, and I went from kindergarten through third grade there. Then, I went to P.S. 139, which was essentially across the street, from third to sixth grade. Because I was from East Baltimore, it was expected that I would go to Dunbar, which was the only high school in East Baltimore. That was before the days of Lake Clifton and before we could go to schools like Southern or Patterson. So, you went to Dunbar because that was the school to which you were destined to go because of where you lived.

What years were you in the high school portion of the curriculum at Dunbar?

I graduated in 1961 and high school began in tenth grade. I graduated in '61; it would have been '59 through '61, when I was there.

Now I know from your history, and you just mentioned, as a matter of fact, that the public accommodations were not necessarily public for some segments of society, and I also know that as a result of that situation something significant happened while you were at Dunbar. Would you please elaborate on that?

Well, at the end of my junior year, we were approached, and I say we, the Dunbar student body, were approached by students from Morgan State College, who were going to stage a sit-in demonstration in downtown Baltimore to protest the closing of places of public accommodations to African Americans. They were concerned about the restaurants downtown; they were concerned about the fast food places downtown. They asked that we participate. I was the student government

president at the time, and I was the one, therefore, who was contacted. My role was to recruit students to participate. The plan was that Morgan would supply the buses, and they would also provide the leadership, and then on the last day of school we would go downtown and we would participate in the picketing and the sit-ins. So, on the 16th of June of 1960, Morgan supplied the buses and I got on the bus with a bunch of other students from Dunbar, and twelve of us ended up going and sitting in a restaurant in downtown Baltimore called Hoopers. We were, as a result of that, arrested and charged with trespassing. The trial, of course, occurred in Circuit Court, in those days, it was called the Supreme Bench of Baltimore.

Before I get to the outcome of the trial, the readers would probably like to know if you received your mother's blessing and permission to participate in that civil rights act?

Well, my mother, being from North Carolina and having seen discrimination and being very much aware of its impact, always took steps to keep us away from it as much as she could. When we went south during the summers to spend time with her relatives, our aunts and uncles, of course you would see it. It was everywhere in North Carolina. But when we were here, we did not go downtown where there were "white/colored" signs. We did not shop where there was obvious discrimination; we shopped at a shopping center in our community, one for African Americans. We went to schools, of course, that were, in fact, if not by law, segregated. When we went to the movie theaters, they were segregated. So, most of what we did, we did in a segregated society, and my mother was very sensitive to making sure that we were not subjected to the overt discrimination, except for when we went south. So, when the opportunity came to participate, knowing my mother, I knew that she would have been concerned about my being involved, and what the impact would have been, and she would have said no. So, I did not ask her. I did it and I told her when it was over, when I had to, after I had been arrested; I told her then. And, interestingly enough, she was very supportive.

Very good. Speaking of the arrest and the whole process dealing with the arrest, I am sure that I and many of the readers remember the Edmund Pettus Bridge * and things like that. How did the authorities treat you and your fellow students when effectuating the arrest?

* The Edmund Winston Pettus Bridge became a symbol of the momentous changes taking place in Alabama and the world. It was there that voting rights marchers were violently confronted by enforcement personnel on March 7, 1965. The day became known as "Bloody Sunday." See, e.g., <http://www.byways.org/explore/byways/2050/places/12698/>

I think it is a credit to them that they did treat us with a great deal of sensitivity. What was interesting to me most of all was the fact that the organizing Morgan students made the decision to use high school students. So, part of it may have been because of the fact that we were largely high school students. Before the arrest occurred, there were several attempts to talk us out of the restaurant, to avoid having to make an arrest. The trespass statute was read after the owner of the establishment had come in and made a plea for us to leave. That was also after the waitress on duty had made the same plea. She explained that she was not refusing service because she wanted to, but because that was the policy and the owner made the point that his clientele would hold it against him if he served black people. The police officer then came in and he read the statute and, again, tried to talk us into leaving without the necessity of an arrest. At no time was there any harshness on the part of any of the persons with whom we were dealing. That may also have been due to the fact that we had very experienced leadership. Mr. and Mrs. Quarles, who were students at Morgan, were the leaders and they took the lead in the negotiations and in speaking for the group. And, at the end

of the day, they were so effective that the arrest was merely a technical arrest; they negotiated for our surrender on Monday morning--this was a Friday afternoon. The deal was, we would go home that night and report first thing Monday morning at the police station, where we would be processed and booked. That is exactly what happened. I thought we were treated very well in terms of the police and the official situation.

It certainly seems that way to me, and I suspect to the readers. You mentioned earlier the court into which the case was filed. Would you now identify who represented you during the course of this whole process, from arrest to conviction and ultimately to exoneration?

There were lawyers who represented us at the trial. The lead lawyer was really Tucker Dearing. He was a Baltimore lawyer, trained at Howard University. In fact, I think he had the equivalent of a PhD in law. Robert B. Watts, another Baltimore lawyer, who would go on to become a judge on the Circuit Court for Baltimore City, was also on the team, as was Juanita Jackson Mitchell, the third person. Juanita Jackson Mitchell was the first African-American woman to practice law in the State of Maryland. I say it that way because she and another woman graduated from the University of Maryland at the same time, but she was the first to practice in Maryland. Those were the three on the trial team; they did the trial work. We were convicted, of course, and Tucker Dearing and Juanita Jackson Mitchell continued at the appellate level, before the Court of Appeals. They were joined, at the appellate level, for a brief time, by Thurgood Marshall. At the Supreme Court level, Jack Greenberg, who replaced Marshall as chief counsel of the NAACP Legal Defense Fund, and Constance Baker Motley, also of the Fund, and James M. Nabrit Jr. joined the team. When the case came back to the Court of Appeals, the counsel were James M. Nabrit Jr., Tucker Dearing, Juanita Jackson Mitchell, and Jack Greenberg, initially. Nabrit filed the Motion for Reconsideration, which was later granted, that resulted in the reversal of the convictions.

Were there any parties that were a part of the prosecution of this case, either at the trial level or the appellate level, that later became a significant part of your life for a different reason?

As it turns out, on the trial team for the prosecution was a man named James Murphy, who subsequently became a judge on the Supreme Bench of Baltimore, later the Circuit Court for Baltimore City, with whom I served. The state was represented at the initial appeal to the Court of Appeals by a young man named Lawrence F. Rodowsky. Lawrence F. Rodowsky subsequently became a member of the Maryland Court of Appeals. On remand from the Supreme Court, the state was represented by the deputy attorney general, Robert Charles Murphy. Robert Charles Murphy subsequently became chief judge of the Maryland Court of Appeals and was serving in that position when I joined the court. As I indicated, Judge Rodowsky also was on the court. I replaced CJ Murphy as chief judge.

Suffice it to say, then, Chief, life has many surprises and twists and turns along the way. But in making the travel down the highway that you did, did your experience at the high school level play a part in your decision to attend law school?

Actually, I had already decided to become a lawyer before then. Quite frankly, I am not sure how the sit-in experience and subsequent events impacted that decision. I started thinking about becoming a lawyer when I was a youngster before high school, having read many of the Perry Mason books by Erle Stanley Gardner. Now, once I had that experience, that real-life experience, and I went on to college, given some of the feedback from some of my professors, I am sure that it

confirmed that intention. It was something that I had already decided to do. The sit-in did not precipitate it at all.

Now you attended an HBCU [Historically Black Colleges and Universities] and one of the more renowned HBCUs in America. Did your education at Morgan prepare you adequately for Harvard Law School? And had you always aspired to attend Harvard?

No, it was definitely an experience that prepared all of us who attended for whatever we choose to do later. Morgan's foundation was excellent. In fact, when I was at Morgan, we had more professors with PhDs per student than any institution in the area. We also had excellent professors, even when they did not have PhDs. In fact, the smartest guy I knew was a man named Mr. Fisher, who was not a PhD.

They also excelled, our teachers did, in their concern for the students. I had tuberculosis. It was during that one-year period that I realized the kind of concern the professors had. It was Mr. Fisher who decided that he would bring me my lessons in the hospital. And it was that kind of encouragement that also played a role in preparing not only me, but I am sure a lot of other students, for what we were going to face and accomplish later on. Again, Morgan was really a critical part of my career path. I often said that was the case. I did it once while an associate at Piper and Marbury, after law school. The firm had a dinner at which one of the senior partners decided to tell me that his son had just entered Harvard College and, knowing that I attended Harvard Law School, he told me that he had entered my alma mater. When he asked what I thought of that, I told him that I didn't know he had a son at Morgan. Yes, Morgan was a real critical player for us, and for me.

And I take it then that you aspired to go to Harvard, one of the Ivy League law schools, when you decided you wished to become an attorney?

Yeah, I always wanted to go to Harvard; at least it was an institution that had the kind of reputation that caused one to aspire to go. So, I always had that possibility in my sights. I was also aware of some of the other Ivy League schools, such as Yale, particularly, but my decision to try to get into Harvard was reinforced not only by professors and administrators at Morgan, but by a chance encounter I had when I was still at Morgan with a politician, a young man who happened to be a lawyer and went on to become a U.S. senator. Paul Sarbanes was running for office for the first time, and he was hoping to represent my district. He and his wife, Christine, were in my neighborhood one Saturday when I was at home studying. We got around to discussing my future educational plans and I told him that I wanted to go to law school. That prompted his telling me of his experiences in law school and urging me to go to law school in Boston. He also told me of the virtues of Harvard Law School.

Speaking of matriculation at Harvard, obviously the time always comes when one leaves the institution and then gets down to the business of becoming a lawyer. In what year did you pass the bar? And how many other African Americans did so at the same time?

I came out of law school in 1969, in May, and passed the bar and was sworn into the Bar of the State of Maryland in December of that same year, along with four other African Americans. That five of us passed the bar in that year was a big deal in those days. In fact, it was such a big deal that it made the front page of *The Afro*. The other four who passed the bar were Arrie W. Davis, William H. Murphy Jr., David B. Allen, and John Wood. Arrie became a judge, serving on both trial courts, the District and the Circuit Court, and on the intermediate appellate, the Court of Special Appeals, in the latter attaining the status of senior judge and acting for a time as its chief judge. Billy

Murphy, whose father was elected judge of the predecessor to the District Court and who was himself elected to the Circuit Court, became, and continues to be, one of the premier lawyers in Maryland. You will notice that I did not say African American. David Allen, who also became a judge of the Orphans Court, is an excellent lawyer and a CPA. He also is the son of the first African-American elected prosecutor. John Wood, the last, did not go the judicial route. An excellent litigator, he spent most of his career in public service, in the Office of the Baltimore City Solicitor. We were the five, and as I said, that was a big deal. *The Afro* wrote it up as if it were a big deal. On the fortieth anniversary of our admission, all five of us were brought together for a celebration. And we are still, as we have always been, friends.

That is an inspiration, I think, to young lawyers and law students equally. Speaking of inspiring deeds, I am aware that your first judicial appointment to Maryland's District Court occurred in 1975; which governor made that initial appointment?

I was appointed January 2, 1975, by Governor Marvin Mandel. He was the governor who started the process of appointing judges from a list submitted by a nominating commission. Many have said, and I agree, that Governor Mandel was the best governor ever in this state. In addition to making great judicial appointments, he did much to improve the judiciary and thereby assist it in its efforts to win the public's trust. He is responsible for the creation of the District Court; it was under his watch that it came into existence. To demonstrate Governor Mandel's sensitivity to the need for the judiciary to operate independently, one need only recall that, although he appointed the court's first chief judge, he made sure that the enabling provisions required that subsequent appointments be made by the chief judge of the Court of Appeals.

I have heard a lot of good things about Governor Mandel, and most of us who have spent any time in the state are aware that he merits your description of him and his excellence as a governor. And now, Judge Bell, I know that you are one of the few jurists within the state of Maryland who has matriculated through the four levels of the Maryland judiciary, and I believe you spent at least four years at each level before you reached the pinnacle level of the judiciary in the state. Do you have any fonder memories of one court as opposed to the others?

I don't know if I would put it that I have fonder memories of one over the others. Each of the courts has its own unique role to play, and is important in its own right. I guess though, that I reflect upon two things. When you are on the Court of Appeals, you deal with weighty issues and matters that, in the future, will have an impact on bench and bar. And that's great--that's important. But only when you become chief judge can you really understand, and fully appreciate, just how significant that is, the magnitude of the responsibility. As chief judge, I have been able to address the issue of access to justice, and also, in that same context, the issue of ensuring that there is, in fact, justice. I am very privileged to have been able to provide some small measure of access to the citizens of this state.

Having said that, I recognize just how important the District Court is. How one perceives a system is critically important for the health and effectiveness of that system. The opportunity, day in and day out, to impress upon the citizens, whom we serve, what we do, how we do it, and why, is how we earn their trust in a branch of government that has precious little in the way of tangible power. In fact, the only real power a judiciary has is derived from the people it serves; it results from their trust and confidence in that judiciary. If that trust and confidence evaporate, the system is endangered and, indeed, may be mortally wounded. Thus, Bill, this is rather a long-winded way to say that I have been privileged to have served on the District Court; I have always told folks that.

I know that that answer will resonate well with the judges of the District Court, and particularly with our friend, Chief Judge Ben Clyburn, and as one who has also passed that way, I concur with you--but this is not about me; it's about you. Chief, obviously I know this--hopefully most readers will know this--you are the first African American to sit in the seat of the chief judge of the Court of Appeals of Maryland. It is always daunting to be the first, especially when you talk about the third branch of government. But leaving aside being the first, what was the initiative that you undertook when you first became chief judge of this state?

Well, the first thing I wanted to deal with, and did, was the demystification of the judiciary. The judiciary has always been, it still is, of the three branches of government, the least understood. In fact, the least known, at least intimately, of the branches of government is the judiciary. The other branches of government, because of the elective process and the daily give and take with the press about bread and butter, among other important issues, are pretty well known. The people react to them; they understand much of what those branches do. They may not always understand how the policies were developed or what the precise consequences of them are, but they at least know what it is that these branches are supposed to do. Not so with the judiciary. So when I became chief judge, the one thing I wanted to make sure of was that we had adequate outreach and that we made an effort to explain to our "clients" what we do, and why we do it, and how we do it.

I also wanted to give our clients an opportunity to learn how to navigate a system that is, not only to them, but to those who deal regularly with it, including me, complex. One of the first things we did, therefore, to address this issue was to establish an outreach arm, an Office of Communication, then called a Court Information Office, that could, and would, explain what the judiciary was about--that could highlight what we were doing at any given time, that could help people, including telling them how to navigate the system. That office was designed to be able to, and would, from time to time, toot the judiciary's own horn when it was doing something right. That was one of the first things we did.

Next, we started to put together a program to encourage judges to become more and more accessible. The program emphasized making our judges available to the public and, in that way, providing them with information that answered their questions and, at the same time, furthered our efforts to teach the public about the judiciary, and answered the public's desire to demystify the court.

I know that the time is rapidly approaching when you will have to retire from the leadership of the third branch of government in the State of Maryland. I know that the years have passed quickly, and I understand that. But can you comment upon what you see as the one program, or a series of programs, that have cemented the public's trust and confidence in the judiciary during your tenure?

I am not sure the public's trust and confidence is fully cemented. We are still working on that; it is still a work in progress. We have done a number of things that were aimed at acquiring the public's trust and confidence, however. One, of course, is still ongoing: the Access to Justice Commission. It was recently established to make sure that we look critically at our system to determine what things are barriers to access and, then, develop strategies to address those barriers. That is a process that is going to take some time. It is not something that will happen overnight. It's going to take some time. But it is an effort that is well worth doing because, at the end of the day, if we are successful in removing the barriers and in resolving them, the lives of a large number of our citizens would be

different and their belief in the fairness of the system will be strengthened. In that way we are trying to make it easier for citizens to understand something that is not a logical part of the judicial system.

We have adopted and endorsed alternative dispute resolution (ADR). We put together, first, a task force, which has evolved into a commission, the Maryland Mediation and Conflict Resolution Office (MACRO), an office in the judiciary which dedicates itself to empowering citizens by allowing them to use alternative means of resolving their disputes, rather than bringing them to the courts. That has worked reasonably well. We now have more and more people able to address their own problems and resolve them through this alternative process of mediation, arbitration, etc., without having to come to court. And finally, we did two other things: we started an ombuds, which is an office where people can go and raise issues about what's going on in the judiciary and to address internal conflicts, and a Commission on Racial and Ethnic Bias. As to the latter, there was an earlier commission on gender bias established in Maryland. With the Ethnic and Racial Bias Commission, we completed the cycle with the community.

Those are aggressive programs, Judge Bell, but I suspect that some of your judges have opined that they did not become judges to become social workers. Have you heard that, and if so, how have you dealt with it?

I have heard that, of course, but I am happy to say that that is not the overwhelming sentiment. To be sure, when we got into the alternative dispute resolution business and first started MACRO, there were those who did not think much of the effort. As time has passed, however, and as progress has been made, the skeptics have come around. The same thing has happened in terms of the Court's Pro Bono Commission (one of the initiatives I haven't mentioned). That is an effort that we have made to ensure that people who cannot otherwise afford them, have lawyers. This is one of the very controversial initiatives. What we were doing was asking lawyers to donate time to represent clients who couldn't afford lawyers, but other lawyers thought that, maybe, that would detract from their ability to make a living. There were members of the court who were concerned about the level of the court's involvement in this area. Interestingly enough, as time has passed, and as that program has worked, lawyers, who initially were opposed, have been coming on board. More important, the court members who initially opposed it have now bought into it and see the value of what we are, and were, trying to do. These efforts do, in fact, have impact over time on the attitude and perception of those who have benefitted from these initiatives.

Speaking of buying into your vision of what your court should be, Maryland is a small state and we have eight circuits within the state, twenty-four jurisdictions. How do you go about determining who should fill the role of your emissary--and I say that because the administrative judges for the circuits and counties are your emissaries at the local levels. How do you make those determinations?

You know, as you have alluded to, many of those decisions are mine to make. In fact, of all of the administrative judges in the state, just for context, only one of them--the chief judge of the Court of Special Appeals--is not appointed or approved by the chief judge of the Court of Appeals. Nevertheless, to me, it is not a process for the chief judge alone. My position is that we need to have buy-in on the part of those who are going to be affected by the decision. Now, as you know, we have eight circuits for the Circuit Courts, and twelve districts for the District Court. We have seven appellate circuits. Those seven appellate circuits affect or encompass all of the districts and all of the circuits at the trial level. What I have done is to utilize the expertise and the information that my colleagues on the Court of Appeals have. I have asked each of them for his or her input whenever

an administrative judge vacancy on the Circuit Court occurs. Based on their input and on information and recommendation by, when applicable, the appropriate Circuit administrative judge, I make a decision. When there is a District Court vacancy, it is the District Court chief judge who makes the appointment, but with my approval. I am always very interested in that chief judge's assessment, and I take that assessment, along with the assessment by the applicable colleague on the Court of Appeals, seriously in making the decision in that regard. What I am trying to do is to make sure that we have the greatest amount of input to the system so that, at the end of the day, we will have the very best people operating the courts.

You've used the word "service" often, and Marian Wright Edelman once said "service is the rent that we pay for living." And I know that you serve the people of this state by traveling around the state, and I won't say lecturing, but you give speeches to various groups in the western part of the state, the eastern part of the state, or wherever. How do you feel about speaking to the community, and do you consider that to be a significant part of your position as leader of the judiciary?

I do believe that it is part of a judge's role. As I say, the biggest thing that we have to do is to acquire the public's trust and confidence. The public, therefore, needs to know what this branch of government, called the judiciary, is. So, the leader of the judiciary is the face and voice of the judiciary, along with the administrative judges in the various courts, along with those in the administrative hierarchy and the Administrative Office of the Courts and the District Court. It is that leader's responsibility to communicate with, and to, the public, to answer their questions, to address their concerns, and the best way is to find out what their questions are and what their concerns are. And the best way to do that is to be there where they are and when they call upon you to make observations and to answer their questions. I do think that is part of my responsibility, a very critical part of my responsibility.

Chief, I just have a couple more questions. I know that, and history will bear this out, when you became chief judge of the Court of Appeals, there was this lingering question about the adequate amount of resources for family cases, and you took the initiative to assure the proponents of an efficient family operation that their concerns had been heard. Would you briefly describe what you did?

As you point out, there was an issue about the adequacy of the resources, but it was also about whether or not we were handling family cases in the most appropriate way. That issue had been around for about 20 years. In fact, an effort had been made by my predecessor, and I think there had been a pilot program in Prince George's County, designed to change the culture of how family cases were addressed. When I became chief judge, I was determined to take a look at the family cases. Rob Watts, who was one of my mentors, was very actively engaged in trying to form a "Family Court." I knew that there were "issues," concerns with creating a whole new court. I knew there were others who took the position that we didn't need to, and really should not, establish another niche court. My approach was to get the views of those who were going to have to run such a court, along with those partners who would practice in those courts. So, what we ended up doing was establishing a committee made up of judges and also the partners, the lawyers, and the agencies that would feed into it, and we charged it to look at how we could structure a family court and do more efficiently and effectively what we are mandated to do with regard to children, divorce, and property matters that are necessarily involved in cases involving families, husbands, wives, and children. That study resulted in an approach that is not what many of the proponents wanted, but it

was more than some opponents wanted. It was an approach, however, that we thought had a real possibility of working. And we did it by court rule, we did it with the buy-in of the judges, we did it with the buy-in of all the partner agencies, and we did it with the buy-in of the legislature because, at the end of the day, it saw how serious we were.

I would be remiss if I did not follow up on the one word in there that caught my attention because I should have asked about this before. You mentioned niche courts. You have established in this state an Office of Problem Solving Courts, and I think as I look around the country that it is one of the most cutting-edge programs established by a leader of the judiciary. Would you please comment on why you decided to establish an Office of Problem Solving Courts?

When I became chief judge, even before then, the issue of drug abuse, the issue of mental health, the issue of truancy, as well as the impact of the first two on the family, they were all issues that confronted and confounded every aspect of society. The challenge was how to deal effectively with those issues. I just found that, to have success on any of these issues, it was necessary to involve the judge more intimately in the interaction with the defendant, to try to deal with that defendant's problems, and to solve those problems that the drug problem emanates from or feeds into. Such an approach, members of the judiciary thought, was worth a try; the administrative judges and individual judges thought it was worth a try. And so courts were established for those purposes and they started to operate. We had them in Baltimore City; indeed, they started here; they expanded to other counties, including Prince George's County. Soon, they were here and then they were there, but there was no single protocol; there was little or no coordination as such. There was no centralized or consistent decision maker that would determine where a "court" would be located, whether there was a need for one, and when or where the next one would start. In short, there was no protocol for setting priorities. The Office of Problem Solving Courts was an effort to bring order to the process, to coordinate the effort. It also represented an effort to make such courts more effective and efficient, and to assess the need for different kinds of problem solving courts in addition to those that were the most prevalent. Of course, the most prevalent problem solving courts were, and continue to be, drug courts. As time has passed, the Office of Problem Solving Courts has become a clearinghouse of sorts. Its function is to ensure that we develop specialty courts in a progressive way, when they are warranted, with proper priorities, with proper protocols. And it seeks to ensure that we are not just "willy nilly" using resources in ways that are wasteful. That is why we established that office.

I take it that the establishment of a central office, sort of a triage office to deal with Problem Solving Courts, has been made easier because the face of the judiciary has changed from the time you became a judge in 1975 to the present. How do you view those changes, in light of the fact that there were few females and African Americans on the bench in 1975 and there were, to my knowledge, no Latinos on the bench?

I am very gratified by the way the judiciary has grown, and I do applaud the effort of all the governors who have made it happen. Let's face it: Parris Glendening, who was very instrumental in changing the face of the judiciary, made the case for the diversification of the judiciary in an address to the Consortium of Racial and Ethnic Bias Commissions in Hawaii. He put it thusly: if you have two gardens, one of them homogeneous, and the other diverse with different kinds of flowers, the latter would be both more beautiful visually and healthier. As to the latter point, he explained that the different flowers likely will strengthen the garden because of their impact on the

ecosystem. It's the same thing, his point was, that we should strive for in society. If you have a judiciary that looks like the people that it serves, it more likely will be able to inspire the confidence and trust of the entire society, as opposed to just a segment of that society. Today, the Maryland judiciary not only includes Latino judges, it includes Asian judges and a Muslim judge. To be sure, we have not gotten to the point where we want to be, we haven't reached utopia yet. But there is still time . . . there is still time.

And finally, Chief, I know that it is obvious from what you said in answer to my questions that there have been significant changes in the judiciary since you have assumed the office of chief judge, but in the time that you have left as chief judge, are there any challenges that you wish to meet before you leave that office?

You know, Bill, I'll tell you, the thing that I am most excited about right now really is the Access to Justice Commission. If it is able to do some of the things that it is looking at doing, the Maryland judiciary will be in darn good shape for the foreseeable future and it will be enough to keep me and the judiciary busy for a couple of years.

Chief, on behalf of all of the members of the Editorial Board of *The Judges' Journal*, I thank you for your time and we wish you nothing but God's blessings in the future.

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